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of Evidence—Discretion.—The order of admission of evidence is, in the discretion of the trial court, reviewable only for abuse of such discretion to the prejudice of the other party.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3849-3851; Dec. Dig. § 970;* Trial, Cent. Dig. §§ 138-140, 142, 143, 145; Dec. Dig. § 59.* 1 Va.-W. Va. Enc. Dig. 592]

7. Ejectment (§ 90*)—Evidence—Record of Othe. Suit.—The record in an action of ejectment by B. against S., in which B. had judgment, is, in ejectment by G. against S. and others, for land including that involved in B.'s action, admissible against S., at least to prove a breach in the continuity of his possession, provided it be shown possession of the land was taken by B. under his judgment.

[Ed. Note.—For other cases, see Ejectment, Cent. Dig. §§ 254-277; Dec. Dig. § 90.* 4 Va.-W. Va. Enc. Dig. 909.]

Error to Circuit Court, Russell County.

Action by J. W. Gent against W. H. Sutherland and others. Judgment for plaintiff, and defendants bring error. Reversed and remanded for new trial.

W. W. Bird, of Lebanon, and *Sutherland & Sutherland*, of Clintwood, for plaintiffs in error.

Finney & Wilson, of Lebanon, for defendant in error.

EDGEWOOD DISTILLING CO. Inc., v. ROSSER'S ADM'R et al.

Sept. 7, 1914.

[82 S. E. 716.]

1. Exemptions (§ 46*)—Homestead—"Shifting" Stock of Merchandise.—A homestead exemption out of the proceed of the sale in bulk by his administrator, of intestate's stock of goods, is not within the inhibition of Const. 1902, § 191, and Code 1904, § 3630, that such exemption shall not be claimed or held "in a shifting stock of merchandise"; the business terminating and the stock ceasing to be shifting on intestate's death.

[Ed. Note.—For other cases, see Exemptions, Cent. Dig. § 62; Dec. Dig. § 46.* 7 Va.-W. Va. Enc. Dig. 90.]

2. Exemptions (§ 30*)—Homestead—Stock of Goods—Rights of Infants—Removal from State.—The right of infants residing in the state with their father to a homestead exemption, attaching immediately on his death, is not lost by their mother and guardian taking them from the state.

[Ed. Note.—For other cases, see Exemptions, Cent. Dig. § 34; Dec. Dig. § 30.* 7 Va.-W. Va. Enc. Dig. 89.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

3. Exemptions (§ 54*)—Homestead—Stock of Goods—Demands for Purchase Price.—The provision of Const. 1902, § 190, and Code 1904, § 3630, that the homestead exemption shall not extend to a demand "for the purchase price of the property, or any part thereof," does not prevent allowance to intestate's children of the exemption from a stock of goods, after deducting the value of the part thereof unpaid for.

[Ed. Note.—For other cases, see Exemptions, Cent. Dig. § 76; Dec. Dig. § 54.* 7 Va.-W. Va. Enc. Dig. 91.]

4. Exemptions (§ 54*)—Homestead—Stock of Goods—Claim of Exemption.—The doctrine of confusion of goods does not apply to deprive intestate's children of right to allowance of a homestead out of the proceeds of a stock of goods sold in bulk by the administrator, because the exemption cannot be claimed against the demand for the price of such of them as intestate did not pay for; but the amount of such price is merely to be deducted before allowing the exemption.

[Ed. Note.—For other cases, see Exemptions, Cent. Dig. § 76; Dec. Dig. § 54.* 7 Va.-W. Va. Enc. Dig. 90.]

5. Exemptions (§ 30*)—Homestead—Money Exemption to Minors—Receivers.—The homestead allowance to minors, inuring to their benefit, under Code 1904, § 3635, till they are of age, or marry, after which the creditors are entitled to the principal, consisting of money, should, instead of being paid to the infants' guardian, be administered by the court, through a receiver.

[Ed. Note.—For other cases, see Exemptions, Cent. Dig. § 34; Dec. Dig. § 30.* 7 Va.-W. Va. Enc. Dig. 89.]

Appeal from Circuit Court, Tazewell County.

Controversy between the Edgewood Distilling Company, Incorporated, and the infant children of J. E. Rosser, deceased, as to a homestead exemption. From a decree allowing the exemption and directing the administrator to pay it, said company appeals. Amended and affirmed.

Russell S. Ritz, of Bluefield, W. Va., for appellant.

Sexton & Roberts, of Bluefield, W. Va., for appellees.

GRANT *v.* HARRIS et ux.

Sept. 7, 1914.

[82 S. E. 718.]

1. Witnesses (§ 219*)—Disqualification—Attorneys.—Confidential communications between attorney and client, made because of the

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.